

HOUSE No. 1005

By Mr. Mariano of Quincy, petition of Ronald Mariano for legislation to prevent the sharing of prescription data. Financial Services.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT TO PREVENT THE SHARING OF PRESCRIPTION DATA.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 112 Section 30 A as appearing in the 2004
2 Official Edition is hereby amended by the addition of the following
3 new section:

4 “No pharmacist shall exhibit, discuss, or reveal any part of the
5 contents of any prescription, including the medication prescribed,
6 the name of the prescriber, the therapeutic effect of the medication,
7 the nature, extent, or degree of illness suffered by any patient or any
8 medical information furnished by the prescriber with any person
9 other than the patient or his or her authorized representative, the pre-
10 scribe or other licensed practitioner then caring for the patient,
11 another licensed pharmacist serving the patient, or a person duly
12 authorized by law to receive such information. This section shall not
13 be interpreted to interfere with legitimate peer review conducted by
14 a hospital, physician group practice, health maintenance organiza-
15 tion or other entity which is engaged in the review of one of its
16 licensed or credentialed providers. This section shall also not be
17 interpreted to prevent the sharing of prescribing information by a
18 pharmacist with a patient’s insurer.”

1 SECTION 2. Chapter 176 B is hereby amended by the addition of
2 the following new section:

3 “No insurer shall exhibit, discuss, or reveal any part of the con-
4 tents of any prescription with any person other than the patient or his
5 or her authorized representative, the prescriber or other licensed
6 practitioner then caring for the patient, another licensed pharmacist

7 serving the patient, or a person duly authorized by law to receive
8 such information. This section shall not be interpreted to interfere
9 with legitimate peer review conducted by a hospital, physician group
10 practice, health maintenance organization or other entity which is
11 engaged in the review of one of its licensed or credentialed
12 providers. This section shall also not be interpreted to prevent the
13 internal review of prescribing information by an insurer for quality
14 assurance or payment purposes.”

1 SECTION 3. Chapter 176 A is hereby amended by the addition
2 of the following new section:

3 “No insurer shall permit its employees or consultants to exhibit,
4 discuss, or reveal any part of the contents of any prescription with
5 any person other than the patient or his or her authorized representa-
6 tive, the prescriber or other licensed practitioner then caring for the
7 patient, another licensed pharmacist serving the patient, or a person
8 duly authorized by law to receive such information. This section
9 shall not be interpreted to interfere with legitimate peer review con-
10 ducted by a hospital, physician group practice, health maintenance
11 organization or other entity which is engaged in the review of one of
12 its licensed or credentialed providers. This section shall also not be
13 interpreted to prevent the internal review of prescribing information
14 by an insurer for quality assurance or payment purposes.”

1 SECTION 4. Chapter 176 G is hereby amended by the addition of
2 the following new section:

3 “No health maintenance organization shall permit its employees
4 or consultants to exhibit, discuss, or reveal any part of the contents
5 of any prescription with any person other than the patient or his or
6 her authorized representative, the prescriber or other licensed practi-
7 tioner then caring for the patient, another licensed pharmacist
8 serving the patient, or a person duly authorized by law to receive
9 such information. This section shall not be interpreted to interfere
10 with legitimate peer review conducted by a hospital, physician group
11 practice, health maintenance organization or other entity which is
12 engaged in the review of one of its licensed or credentialed
13 providers. This section shall also not be interpreted to prevent the
14 internal review of prescribing information by an insurer for quality
15 assurance or payment purposes.”

1 SECTION 5. Chapter 176 is hereby amended by the addition of
2 the following new section:

3 “No preferred provider arrangement licensed under the provisions
4 of this section shall permit its employees or consultants to exhibit,
5 discuss, or reveal any part of the contents of any prescription with
6 any person other than the patient or his or her authorized representa-
7 tive, the prescriber or other licensed practitioner then caring for the
8 patient, another licensed pharmacist serving the patient, or a person
9 duly authorized by law to receive such information. This section
10 shall not be interpreted to interfere with legitimate peer review con-
11 ducted by a hospital, physician group practice, health maintenance
12 organization or other entity which is engaged in the review of one of
13 its licensed or credentialed providers. This section shall also not be
14 interpreted to prevent the internal review of prescribing information
15 by an insurer for quality assurance or payment purposes.”

1 SECTION 6. Chapter 118 E is hereby amended by the addition of
2 the following new section:

3 “No employee or consultant of the Division of Medical Assis-
4 tance or its agents in the provision of care under this section shall
5 exhibit, discuss, or reveal any part of the contents of any prescription
6 with any person other than the patient or his or her authorized repre-
7 sentative, the prescriber or other licensed practitioner then caring for
8 the patient, another licensed pharmacist serving the patient, or a
9 person duly authorized by law to receive such information. This
10 section shall not be interpreted to interfere with legitimate peer
11 review conducted by a hospital, physician group practice, health
12 maintenance organization or other entity which is engaged in the
13 review of one of its licensed or credentialed providers. This section
14 shall also not be interpreted to prevent the internal review of pre-
15 scribing information by an insurer for quality assurance or payment
16 purposes.”